

**MINUTES  
OF  
THE UTAH RADIATION CONTROL BOARD**

**August 1, 2008**

**Department of Environmental Quality, DEQ Building #2**

**Conference Room 101**

**168 N 1950 W**

**Salt Lake City, Utah 84114-4850**

**BOARD MEMBERS PRESENT**

Peter A. Jenkins, M.S., CHP  
Elizabeth Goryunova, M.S., Vice Chair  
Dane L. Finerfrock, Executive Secretary  
Scott Bird  
Patrick D. Cone  
Frank D. DeRosso, MSPH, C.I.H.  
Christian K. Gardner  
Edd C. Johnson  
Joette E. Langianese, Commissioner (by Conf. Call)  
Richard W. Sprott, DEQ Director  
John W. Thomson, M.D.  
David A. Tripp, Ph.D.

**PUBLIC**

Judy Fahys, SL Tribune  
Craig Galli, Holland & Hart  
Karen Langley, University of Utah  
Romaine Marshall, EnergySolutions  
Treesa Parker, EnergySolutions  
Tye Rogers, EnergySolutions  
Dan Shrum, EnergySolutions  
Jim Sweet, Gamma West Brachytherapy

**BOARD MEMBERS ABSENT/EXCUSED**

Douglas S. Kimball, DDS  
Joseph K. Miner, M.D., MSPH

**DRC STAFF/OTHER DEQ MEMBERS  
PRESENT**

Bill Craig, DRC Staff  
Edith Barker, DRC Staff  
Craig Jones, Section Manager  
Fred Nelson, Attorney General's Office

## **GREETINGS/MEETING CALLED TO ORDER**

The Utah Radiation Control Board convened in the Department of Environmental Quality (DEQ), Conference Room 101, 168 North 1950 West, DEQ Bldg. 2, Salt Lake City, Utah. Peter A. Jenkins, Chair, called the meeting to order at 2:00 p.m. He welcomed the Board Members and the public. Chairman Jenkins indicated that if the public wished to address any items on the agenda, they should sign the public sign-in sheet. Those desiring to comment would be given an opportunity to address their concerns during the comment period.

### **I. APPROVAL OF MINUTES (Board Action Item)**

#### **a. Approval of the Minutes from the June 6, 2008 Board Meeting**

Peter A. Jenkins, Chair, asked the Board for corrections to the minutes from June 6, 2008. There were no corrections to the minutes.

**MOTION MADE BY SCOTT BIRD TO APPROVE THE MINUTES.**

**MOTION SECONDED BY JOHN W. THOMSON.**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

### **II. RULES No Items**

### **III. RADIOACTIVE MATERIALS LICENSING/INSPECTION No Items**

### **V. RADIOACTIVE WASTE (Board Information Items)**

#### **a. Motion by Cedar Mountain Environmental, Inc. (CME) to Conduct Limited Discovery and Make an Amendment to the Schedule Order**

Peter A. Jenkins, Chair, informed the Board that Fred Nelson, Attorney for the DEQ, would be addressing the Board on this item:

Fred Nelson, Attorney, explained that a license renewal was granted for EnergySolutions, and the license renewal was appealed by Cedar Mountain Environmental (CME). CME filed a “request for agency action and petition to intervene.” CME’s appeal is a pending issue before the Board. In any adjudicated proceeding, the first decision that the Board will make is whether or not the appealing party has standing. In order to have standing and challenge EnergySolutions’ license, CME will need to demonstrate a legal interest. If CME can establish a legal interest and is granted standing, CME will have the right under administrative rule and statute to challenge the alleged inadequacies within EnergySolutions’ license.

Mr. Nelson explained that the Board granted EnergySolutions discovery,

prior to making a decision on whether CME had established standing. It was unprecedented for the Board to grant discovery, prior to making a determination on standing. The issue currently before the Board is whether the Board will allow CME to also have discovery, prior to establishing CME's standing.

The Board allowed each attorney to present their arguments on CME's motion to conduct limited discovery.

After hearing the arguments and discussion by the Board Members, the Board decided that they needed to treat both parties equally.

**PATRICK D. CONE MADE A MOTION TO GRANT CME LIMITED DISCOVERY AND ADOPT THE SCHEDULE PRESENTED BY LAURA LOCKHART.**

**MOTION SECONDED BY EDD C. JOHNSON**

**PETER A. JENKINS, CHAIR, CALLED FOR A VOTE ON THE MOTION. THERE WAS ONE OPPOSED: SCOTT BIRD. ONE MEMBER ABSTAINED: PETER A. JENKINS. THE REST OF THE BOARD MEMBERS APPROVED THE MOTION.**

**VI. URANIUM MILL TAILINGS UPDATE**  
**No Items**

**VII. OTHER DIVISION ISSUES**

**a. Introduction of New Board Members (Board Information Item)**

Dane Finerfrock, Executive Secretary, introduced the new Board Members. He said Edd Johnson would represent the radioactive waste management industry. Mr. Johnson is the Radiation Safety Officer for Radioactive Waste Management of Utah.

Mr. Finerfrock introduced Dr. David Tripp. He said Dr. Tripp would represent academia. Dr. Tripp is on the physics faculty at Weber State, and he is Clinical Associate Professor of Radiology. Dr. Tripp is Adjunct Professor of Engineering at the University of Utah and certified by the Board of Radiology. He is also a medical physicist.

Mr. Finerfrock said Dr. Scott Kimball would represent the dental industry. He said Dr. Kimball was not able to make it to the Board Meeting.

**b. 4-Day Work Week: Board Meeting Schedule (Day and Time)  
(Board Action Item)**

Dane L. Finerfrock, Executive Secretary, informed the Board that the Department would be working a four-day work week starting on Monday, August 4, 2008. The new business hours for the Division will be from 7:00 a.m. to 6:00 p.m., Monday through Thursday.

Due to the State's new work schedule the DRC Board will not be able to meet on the first Friday of each month. Mr. Finerfrock said that one of the new Board Members, Dr. Kimball, suggested that the Board meeting be held on Tuesday, in order for him to be able to attend.

The Board discussed when to hold the Board meetings. The Board decided to hold the DRC Board meetings on the second Tuesday of each month from 3:00 p.m. to 5:00 p.m.

**MOTION MADE BY PATRICK D. CONE TO APPROVE THE  
BOARD'S NEW SCHEDULE TO MEET EVERY SECOND  
TUESDAY OF THE MONTH FROM 3:00 P.M. TO 5:00 P.M.**

**MOTION SECONDED BY FRANK D. DeROSSO**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

**VIII. PUBLIC COMMENT**

**No Items**

**IX. Next Board Meeting: September 18, 2008 (Thursday), DEQ Bldg #2,  
Conference Room 101, 168 North 1950 West, Salt Lake City, Utah 2:00 –  
4:00 P.M.**

The next Board Meeting will be held on Tuesday, September 9, 2008.

**THE BOARD MEETING ADJOURNED AT 2:49 P.M.**